



## Multi-Level Analysis of India's Revocation of Article 370 and Implications for Indo-Pak Relations

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### Abstract:

This article provides a brief overview of Article 370 and its revocation in order to comprehend the broader political and diplomatic implications for the South Asian region. The paper's premise is based on an integrative review that focuses on the qualitative nature of data, and it is theoretically inspired by classic realism. The end result suggests that the revocation of Article 370 appears to have had an impact on three levels: at the local level in Kashmir, at the national level in India, and at the inter-state level in terms of India-Pakistan bilateral relations. As per the study, the people of Kashmir have certainly felt endangered for their identity, and even the pro-India Kashmiri political leadership has lost trust in India. Similarly, domestic politics in India are being influenced since this revocation has spurred the Hindutva ideology, which has been emphasizing on supremacy and maximizing of power over other identities. At the interstate level, a persistent trust deficit, trade closures, and deterioration of diplomatic ties became apparent, contributing to the deterioration of India-Pakistan bilateral relations.

**Keywords:** Kashmir, India-Pakistan relations, Hindutva, article 370, revocation, conflict

### INTRODUCTION

Kashmir has been at the center of a tumultuous bilateral relationship between India and Pakistan (Ganguly, Smetana, Abdullah, & Karmazin, 2019; Majid & Hussain, 2020; Noorani, 2019). Since their independence in 1947, relations between the two countries have been strained and have inadvertently devolved into a pathological competition: for Pakistan to ensure its survival in the face of India's belligerence, and for India to assert its position in the South Asian region (Rather, 2020; Singh & Anand, 2020). As fluid as these relations have been, India's decision to revoke Articles 370 and 35A of the Indian Constitution on August 5, 2019, has not only resulted in the downgrading of diplomatic ties between the two countries, but has also put a strain on the peace of the entire South Asian region (Farooq & Javaid, 2020; Paswal, Jafri, & Fatima).

The proceedings of the Jammu and Kashmir (J&K) Bill in India's Lower House of Parliament, aimed at reshaping the political constituencies within the disputed territory, have accelerated the breakdown of these political, economic, and social ties (Singh & Anand, 2020). While India initiated

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this Bill, citing it as a critical source for launching development in the area, politicians, economists, and journalists around the world have questioned the true intentions of this move. Some argue that it offers the Indian government more political clout in the territory, while others argue that it is a deliberate disruption of the ways of life, identities, and functioning of Kashmir's Muslim-majority population (Bhat, 2019). Following widespread speculation, key members of the international community, including China and the United States (US), have condemned the abrogation of Article 370 (M. Farooq & Javaid, 2020). Despite the fact that the UN has recognised it as an unresolved dispute, India maintains that the Kashmir dispute is an internal matter of India, and as a result, it has resorted to military force within the region as a means of resolving the issue and ensuring the 'claimed welfare' of its people (Wakode, 2020).

In this context, this article finds justification in exploring and carefully contributing to an understanding of the complexities and realities of the Kashmir dispute, while attempting to determine its impact on Kashmiri people, Indian democratic values, and bilateral relations between India and Pakistan. The qualitative nature of the data was used in the study, with the integrative review technique being used for data collection and analysis. Nonetheless, secondary data was gathered during the course of the study. Following the collection of data from relevant secondary sources, the data was analyzed rationally in accordance with the study's core premise. Furthermore, the thematic analysis technique is used to comprehend a multi-level analysis of India's repeal of Article 370 and its implications for India-Pakistan relations.

### **Brief Overview of Article 370**

Article 370 was incorporated to the Indian Constitution as a temporary provision in 1949. This article granted J&K autonomy and special powers, allowing the state to have its own constitution and ruling powers independent of any neighbouring entities (Chandrachud, 2019; Nair, 2019; Noorani, 1976). J&K's constitution was promulgated in 1957 under Article 370, which established that the state constitution can only be amended by the state legislative assembly and that no amendment in the Indian constitution shall be subject to J&K (Nair, 2019). It also identified the Parliament of India as having minimal jurisdiction over J&K due to the state's residuary powers. Furthermore, with regard to the Autonomy of J&K, the Indian Parliament was barred from making laws without the consent of the state legislature.

The restrictions included changes to the state's name or territories (Article 3), any international treaty or agreement affecting the arrangement of any part of the state's territory (Article 253), and thus no decision affecting the disposition of India (Minhas, Ahmad, & Khan, 2019). Article 370 is so vital that the first demographic pattern, the Muslim-majority population of Kashmir valley, is characterized by an Islamic paradigm of religious ideologies and associated socio-cultural norms, values, and beliefs. The second demographic pattern is characterized by J&K's Hindu-majority population, which has its own social and religious conventions, forms of worship, and belief systems (Bhardwaj, 2019).

With two identities that were diametrically opposed, Article 370 played a critical role in maintaining the balance between the two communities in terms of peaceful and collective governance, rights protection, religious freedom, and, ultimately, diplomatic coexistence (Hussain, Khawaja, & Fayyaz, 2020). Its subsequent scrapping has caused a disruption in this equilibrium,

increasing conflict of interest on both sides. Following the revocation, there was a domino effect of increased violence, political scapegoating, and deterioration of India-Pakistan relations (Farooq & Javaid, 2020). This conflict of interest is an unavoidable consequence of the political backlash caused by the revocation of Article 370, specifically in Kashmir. Following the repeal of Article 370, the oppression of the Indian militia, which has always been met with resistance, protests, and discontent of the region's inhabitants, is exacerbated; particularly, young Muslim men are striving to maintain their Islamic identity while fighting for the right to Kashmir's land, as well as the safety and security of the existing Muslim demography (S. Farooq & Gul, 2020). Clashes between locals and Indian troops have resulted in civilian deaths, pellet gun deaths, over-night disappearances, and an alarming increase in sexual assaults against women and children (Banoo, 2020). As a result, this revocation has serious implications for the future of Kashmir, its national identity, geographical boundaries, and, most importantly, the quality of life of its people (Hussain et al., 2020).

### **What Led to the Revocation of Article 370?**

While deconstructing the events that led to the abrogation of Article 370 and the violent aftermath in J&K, it is critical to understand the political landscape, diplomatic relations, and status of international affairs between the states of India and Pakistan over the years. It is also critical to comprehend the origins, onset, and causes of the political ramifications of the loss of Kashmir's special status, as determined by India's ruling party. The revocation of Article 370 on August 5, 2019 did not happen instantly (Hussain et al., 2020). It came as a result of the subcontinent's unjust partition in 1947, the gradual deterioration of relations between India and Pakistan, India's long-held desire to assimilate the only Muslim majority state into its fold, and the international community's unwillingness to resolve the dispute (Rather, 2020). The ambiguity surrounding the partition of India's 560 princely states, as well as Nehru's covert relations with Lord Mountbatten, may have precipitated this dispute between newly formed states (Lamb, 1991).

Ganguly et al. (2019) argued that the BJP's electoral success was due to its effective capitalization of the Indian population's nationalistic fervour, which was primarily rooted in a fierce anti-Pakistani narrative. Many Indian political leaders projected resentment against Pakistan and Muslims on to the Kashmir, which was later effectively achieved through the BJP's delivery of its widely promoted manifesto of depriving J&K of its unique status. The implementation of Hindutva ideology by the Indian government has been associated to 'racial cleansing' and 'ethnic genocide' against Muslims in Kashmir (Farooq & Javaid, 2020). This plotline became the anthem of Indian patriotism, and it sowed seeds of intolerance and unrest that could be traced back to a seven-decade-old conflict between India and Pakistan, which recently resurfaced in the form of the abrogation of Article 370.

### **THEORETICAL PERSPECTIVE: KASHMIR DISPUTE THROUGH THE LENS OF CLASSICAL REALISM**

The emphasis on human nature in Classical Realism appears to fit well with the case of Kashmir in the aftermath of the abrogation of Article 370. Modi's election manifesto triggered a patriotic fever to repeal Article 370 and revoke the special status granted to Muslim-majority Kashmir. The historical mandate, Modi's anti-Muslim and subsequent anti-Pakistani rhetoric fortified the Indian nation's collective identity and school of thought (Qumber, Ishaque, & Shah, 2017).

The revocation of this Constitutional article upends the current dynamic of Muslim population in Kashmir. With an influx of Indian and Hindu citizens now able to own property, Muslims will face domination and forced imposition of Indian political, economic, and, most importantly, religious ideologies (M. Farooq & Javaid, 2020; Minhas et al., 2019; Wakode, 2020). Thus, Prime Minister Modi's political stance on Kashmir corresponds with Hobbes' fundamentals of human nature, which contribute to a power struggle initiated by man's egotistical, power-hungry, and selfish motives - in this case, the leader and face of the Indian nation (S. Farooq & Gul, 2020). It also corresponds with Morgenthau's principles of political realism, particularly in terms of political autonomy, as India's national interests associated with the occupation of Kashmir violate existing moral standards. Similarly, Modi's manifestation of power politics is the premise of Indian state on 'ethnic cleansing' of Muslims in the disputed territory (Haq, 2020).

The political dominance of J&K has been marked by violent clashes between Kashmiri people and Indian military troops (with numbers of troops rapidly increasing). These troops have used violent tactics and uncontrolled use of weapons against the public masses, resulting in high casualties as well as damage to property and the community's social, cultural, and religious identities (M. Farooq & Javaid, 2020; Minhas et al., 2019; Zia, 2020). Besides this militant regime of torture, the Kashmiri people have been denied basic human rights such as freedom of expression, freedom of worship, sexual health rights and protection, autonomy, and access to education (Majid & Hussain, 2020). This despicable state of affairs directly corresponds to the classical realist proposition that individuals' violent natures are directly responsible for states' violent actions (Doyle & Sambanis, 2007). Pessimistic viewpoints held by specific leaders, such as those reflected in Modi's mandate for political supremacy and power through Kashmir's suppression, have the potential to transform nations (negatively or positively).

### **HISTORICAL DISCREPANCIES WITHIN THE STATUS OF KASHMIR**

Article 370 of the Indian Constitution secured the right to autonomy for J&K, which became a major source of concern and was subsequently highly opposed and controversial within the Indian nation's political rhetoric (Lamb, 1991). Korbelt (1967) in his contemplations on danger in Kashmir, placed the region at the center of ideological and national interests held by neighbouring nations and the ensuing conflict. Effective and practical political actions would push both countries on the verge of betrayal and conflict in order to protect their interests vested in Kashmir (Noorani, 2000).

As a result, the issue of Kashmir became one of the 'crisis points' and 'powder kegs' associated with the Cold War and the relatively recent emergence of terrorism in political jargon (Korbelt, 1967). Maharajah Hari Singh wanted J&K to be recognized as an independent state in August 1947, according to historical evidence (Noorani, 2000). It contrasts with India's claim that J&K joined India in October 1947 through the Maharajah's 'Instrument of Accession'. As claimed, Hari Singh, was travelling by road to Jammu on the day the 'Instrument of Accession' was signed. The signing of this document appears to have been coerced as a result of Indian troops arriving in Srinagar in October 1947. These historical inconsistencies point to suspicion and, as a result, delegitimization of India's claims to Kashmir's independence. Furthermore, in his later publication, "The Myth of Indian Claim to Jammu & Kashmir," Lamb (1994) emphasised that the key to resolving the Kashmir dispute was to view it as a struggle for independence and self-determination on the part of the Kashmiri people. He reiterated that the dispute must be addressed with distinction

rather than being inserted, by default, into the paradigm of conflict and aggression between India and Pakistan.

### **Kashmir Dispute and the Breakdown of Ties Between India and Pakistan**

As per the analysis of existing literature, it is evident the relationship between India and Pakistan has always been violent. Ever since the independence of both states and subsequent declaration of the LOC in 1949, the border between them has witnessed several conflicts up until 1999, when a pro-Pakistani militant group declared a unilateral ceasefire in J&K. The truce was broken less than a month later, in 2000(Lavakare, 2005). Following an attack in the Indian Parliament the following year, India aggressively deployed troops in Kashmir, Punjab, and along its border with Pakistan(M. Farooq & Javaid, 2020). Nonetheless, tensions on the border were reduced when the first ceasefire along the LOC was implemented in 2003. Up until 2015, both India and Pakistan relished relatively peaceful relations, which culminated in the opening of trade routes, peace talks, and the demobilization of stationed troops(M. Farooq & Javaid, 2020; Rakisits, 2020). The narrative of collaboration and peace, however, came to an end in 2015 with the rise of India's far-right Bharatiya Janata Party (BJP), a staunchly nationalist party characterised by its historical mandate to integrate J&K entirely within and as part of India(Bhat, 2019; Chandrachud, 2019).

After five rounds of elections marred by allegations of rigging and vote tampering, the BJP joined the governing coalition in March 2014, with an electoral manifesto calling for the abrogation of the domestically opposed Article 370 of the Indian Constitution(S. Farooq & Gul, 2020). However, following re-election in 2019, which was marked by the breakdown of India-Pakistan political, economic, and military ties, as well as endemic insurgencies in Kashmir, the BJP delivered on its mandate of rescinding Article 370, depriving the disputed territory of J&K of its unique status(Minhas et al., 2019). The onset of ethnic cleansing in Kashmir, as well as the resulting demographic changes, prompted by the BJP's decision to revoke Article 370, strained already tense political ties between India and Pakistan(Zia, 2020).

According to the United Nations, the Kashmir dispute is an internationally recognized dispute, and both countries agreed in the Shimla agreement that the dispute will be resolved through bilateral engagements. Throughout complete disregard for international obligations and bilateral agreements, India abruptly repealed Article 370, possibly to assert that it wishes to treat this issue as an internal matter(M. Farooq & Javaid, 2020). Apart from deteriorating relations with Pakistan, India's efforts to internalize this issue sparked hostility with China and increased confrontation at the border, including the LAC (Line of Actual Contact) with China and the LOC with Pakistan, as well as the closure of trading routes and ties(Noorani, 2019). The existing research arguments clearly demonstrate that the Kashmir dispute has always been placed at the heart of the political conflict between India and Pakistan. However, the BJP's withdrawal of Article 370 of the Indian constitution and subsequent attacks on the identity, integrity, and lives of Muslim communities in Kashmir have sparked a fierce cold war that has isolated the territory and its people politically, economically, and socially from the rest of the world, while also creating an uncertain environment in the South Asian region(Rather, 2020; Zia, 2020).



## **IMPLICATIONS OF ARTICLE 370 AT MULTIPLE LEVELS**

### **A. Implications at Local Level-Kashmir**

#### **1. Loss of Trust**

Despite the conflict, the people of J&K had an association with the Indian government through the joint of Article 370. As a result of the revocation, the Kashmiri people have become estranged from both the Indian people and the government(M. Farooq & Javaid, 2020). The Kashmiri people's confidence in India, even if it had remained bleak throughout history, has been lost with the abrogation of Article 370. Kashmiris were already experiencing severe alienation, but with this revocation and subsequent estrangement, it will be extremely difficult to reintegrate them into mainstream structure again.

#### **2. Infringement of Human Rights**

With the revocation of Article 370, the Indian government imposed a strict security lockdown, strict curfews, communication blackouts, and extreme violent acts in J&K by deploying an estimated 600,000 military troops. Schools, hospitals, markets, and places of worship have all been closed(Banoo, 2020; Bhat, 2019). The internet and mobile phone services are also unavailable. In this day and age of interconnectivity, Kashmiris are cut off from communication with the outside world(Banoo, 2020). The Indian state's atrocious and controlling tactics against innocent Kashmiri families, women, and children are inhumane and violate their fundamental human rights.

#### **3. Threat to Identity**

The revocation of Article 370 means that Kashmiris must follow Indian laws. As a result, people from outside the state, particularly Indians, can now buy and own property in the area. Following the revocation, there has been an increase in Indian citizens' ownership and access to land in J&K(Haq, 2020). It appears to be an extension of India's nationalistic desire to gain political hegemony and control over previously disputed areas, specifically Kashmir's predominantly Muslim-based population(Nayak, 2019). The removal of constitutional article not only overturned the existing Muslim demographic in Kashmir, with an influx of Indian and Hindu citizens now being able to own property there but it also led to the domination and forced imposition of Indian political, economic and more importantly religious narratives and ideologies upon the people of the region(Hussain et al., 2020).

### **B. Implication at National Level-India**

#### **1. Egregiousness of Hindutva Ideology**

Muslims in India are concerned about insinuations of an extreme Hindu nationalist agenda, which has been present for a long time but has become pervasive under the BJP regime(M. Farooq & Javaid, 2020; Haq, 2020). India has always been portrayed as a secular country with a diverse population of religions, castes, languages, and ethnicities, but the BJP government's citizenship amendment act has exposed prejudice against Muslims. The elevation of Hindutva ideology by government leaders has enraged the public, and Muslims have realized that their religious liberty and fundamental rights are at stake(Noorani, 2019).

## **2. Threat to Indian Democratic System**

The revocation of Article 370 and Section 35 (A) dealt a fatal blow to India's long-standing democratic structure, as the process was vague. The issue was not even given enough time in the house to be properly debated, and the decision was made without the participation of the opposition parties (Minhas et al., 2019). Furthermore, the conversion of J&K to union territories suggests that the central government has the authority to amend constituent states' territories without their consent (Wakode, 2020). It has tarnished Indian democratic values' transparency and created constitutional insecurity for the federal government.

## **3. Political Delegitimization**

Despite being managed by the Indian government; no Indian political party has ever won an election in J&K without the help of local Kashmiri leadership (Lamb, 1991). The situation has worsened now that all of the political leaders of two major parties, the National Congress and the People's Democratic Party, have been detained. In the absence of two Kashmir-based political parties, the government will have to resort to shadier tactics in future elections. Any future political structure in Kashmir will face serious legitimacy issues. Furthermore, the political mileage that the BJP government desired may not be eventually achieved.

## **C. Implications for Inter-State Relations-India and Pakistan**

### **1. Internalization Vs Internationalization**

India has consistently denied third-party intervention in the Kashmir dispute, stating that all disputes between India and Pakistan must be resolved through bilateral engagements, as stipulated by the Shimla Agreement of 1972. However, by unilaterally revoking Article 370, it has attempted to turn Kashmir into an internal issue, completely disregarding bilateral agreements and UN resolutions. At the same time, it has given Pakistan the opportunity to internationalize the issue. Pakistan has launched a diplomatic offensive in order to reclaim international support for the Kashmiri people. In addition to the very inspirational speeches delivered by Pakistani Prime Minister Imran Khan during UNGA sessions, the UNSC, the European Union, and the OIC have all been used effectively for this purpose (Mushtaq, Saleem, Afzal, & Saleem, 2021).

### **2. Escalation of Conflict**

Since their independence in 1947, the two countries have been involved in numerous wars, particularly due to the unresolved nature of the Kashmir issue. The revocation of Article 370 has exacerbated the warlike situation. The LOC has become increasingly tense as mutual exchanges of heavy fire and resulting casualties, including civilians, have increased. The world is aware of the gravity of the Kashmir issue because India and Pakistan both have nuclear weapons and their defense ministers have threatened each other with nuclear conflict (Ganguly et al., 2019). In the case of a nuclear conflict between these two states, the consequences for the whole globe will be disastrous. Scientists believe it could trigger Ice-Age temperatures, cause global famine, and kill 125 million people (Curley, 2019). Hence, the entire world would be in a state of distress.

### **3. Trade Relations**

Pakistan's decision to close all trade relations with India after latter's unilateral action on Kashmir's status might have a little impact (considering the meager mutual trade figures) but it bears a huge symbolic value in diplomatic parlance (Minhas et al., 2019). It also hints that how difficult it has become to normalize relations between two neighbors.

### **4. Degradation of Diplomatic Ties**

Pakistan expelled India's high commission and recalled its own high commission from Delhi, indicating a diplomatic schism and concern about India's unilateral revocation of Article 370 (Minhas et al., 2019). The deterioration of ties between two states that are already engaged in conflict is not a good omen. It has, in fact, aggravated the prevailing hostile nature of relations.

### **Implications for South Asian Region**

Historically, Kashmir has predominantly served as a source of contention between Pakistan and India. It is also perceived as a factor impeding cordiality in the future relationship between two neighbours (Ganguly et al., 2019). Those who matter, both regionally and internationally, have recognized Kashmir's geographical significance. As a matter of fact, the Kashmir issue not only affects the security environment between the two states, but also casts doubt to prevailing peace in the entire South Asian region (Ganguly et al., 2019; Majid & Hussain, 2020; Rakisits, 2020). Both neighbouring states are aware of Kashmir's geostrategic location, which has a significant impact on their respective security concerns (Usman, 2017).

India regards Kashmir's location and associated border as a natural defense against any alleged invasive aggression from states such as China and Russia. Pakistan, on the other hand, regards Kashmir's strategic location as critical to its security and regards Indian control in Kashmir as a serious threat to Pakistan's safety (Majid & Hussain, 2020). Thus, the geostrategic location of Kashmir in terms of security perception is a concern not only for Pakistan and India, but also for other states in the region such as China and Central Asian countries (Usman, 2017). The revocation of Article 370 by India in the IOK not only jeopardizes the fundamental rights of the Kashmiri people and aggravates the already strained relationship between the two countries, but it also has implications for the South Asian security paradigm (Zia, 2020). The US withdrawal from Afghanistan and the resulting reduction in Indian influence in that country as a result of Pakistan's effective foreign policy manoeuvring may have prompted this move. Furthermore, India's action has influenced regional geopolitics by pitting it against China, which shares a border with the disputed region of Kashmir. Some observers believe that the tension and military confrontation between India and China in Ladakh stems from India's unilateral decision (Wolf, 2020b). Following the US withdrawal from Afghanistan, a power struggle among regional powers is also possible in South Asia, which does not bode well for India's aspirations to gain regional control or strength.

Because India believes that revoking Article 370 will have a significant impact on its control over Kashmir, such insecurity may have compelled it to take such an undemocratic step (Minhas et al., 2019; Qumber et al., 2017). The American strategy in the South Asian region in terms of partnership or collaboration with India is much more China-specific, i.e., toward India's eastern borders with China rather than the western border with Pakistan (Rather, 2020). This is also a



source of concern for India, as the US expects it to extend its cooperation in countering China rather than seek its support and understanding in dealing with Pakistan on the Kashmir issue. Furthermore, India is countering not only the American aspiration of China, but it is also an Indian primary objective to clinch the strategic race from China to gain supremacy in the region (Malik & Duschinski, 2020). Long-standing border disputes have complicated and intricated Sino-Indian bilateral engagements, bringing China and India to the brink of regional war once more with the occurrence of Ladakh in June 2020 (Amir, Ali, & Ahmad, 2020; Wolf, 2020a). This dispute naturally complements Pakistan's position as a result of its long-standing and dependable partnership with China based on mutual trust and cooperation. Significantly, the impact of revocation of article 370 might transcend regional boundaries and attract global players; especially in the backdrop of ongoing US-China competition.

## **CONCLUSION**

The Indian government's unjustified revocation of Article 370 and cessation of its special rights, followed by a forceful lockdown in Kashmir, impacted the security of the entire region. With the BJP's, RSSs, and Hindutva ideology's clear nationalist agenda, speculation of antagonism toward Pakistan has grown. Furthermore, the presence of nuclear weapons and military tensions threatens the peace of the entire South Asian region. Pakistan must continue to pursue the diplomatic efforts it began following the incident, particularly at UNGA and UNSC meetings. After a long hiatus, the international media has joined Pakistan's diplomatic mission in writing about the issue. In an editorial, the New York Times stated that "the Security Council should make clear that it opposes Mr. Modi's brutal tightening of India's control over Kashmir." While Prime Minister Modi may believe he can manage this volatile conflict on his own, he almost certainly cannot.' As a result of these efforts and China's persistence, the UN Security Council decided to reconvene on August 15th, 2019 to discuss the volatile situation in Kashmir. However, Pakistan may face difficulties because no Western power would want to go up against India, which has a powerful economy. Pakistan must effectively highlight India's atrocities in J&K and maintain its diplomatic stance with global media support. Furthermore, countries frequently use perception management to persuade other states to achieve their desired political, economic, or security objectives. Perception shaping can aid in the resolution of long-standing disputes, and vice versa. In this regard, Foreign Minister Shah Mehmood Qureshi updated the President of the United Nations Security Council and the Secretary-General of the United Nations General Assembly on the dire situation in IOK. It emphasized India's illegitimate demographic variations, which are in violation of UNSC resolutions, the UN Charter, and international laws, including the 4th Geneva Convention. Furthermore, the foreign minister raised the Kashmir issue at the OIC meeting in November 2020. Pakistan should continue to raise its voice in international forums to highlight the severity of the current situation in Kashmir. To summarize, India's desire to project power through such unilateral action, in violation of UN resolutions, has put the region in a security predicament. The Kashmir situation must be resolved in accordance with UN resolutions, international laws, and the wishes of the Kashmiri people. Only by resolving this serious issue can the South Asian region see enough rays of hope for peace.

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